<center>**REMARKS**</center>

Claims 1-3, 6-13, 15-22, and 24-29 are pending and stand rejected.   Claims 1, 11,

and 20 are amended.   No claim is added or canceled.   Claims 1-3, 6-13, 15-22, and 24-29

are pending upon entry of this amendment.   Applicants thank the Examiner for carefully

considering the present application.

<center>**Response to Claim Rejections Under 35 USC 103(a)**</center>

In paragraphs 5-6 of the Office Action, the Examiner rejected claims 1-3, 6-13, 15-22

and 24-29 under 35 USC § 103(a) as allegedly being unpatentable over U.S. Patent

Application Publication No. 2004/0098361 to Peng ("Peng") in view of U.S. Patent

Application Publication No. 2002/0166117 A1 to Abrams et al. ("Abrams") and U.S. Patent

Application Publication No. 2002/0143952 A1 to Sugiarto et al. ("Sugiarto").   This

rejection is now traversed in view of the above amendment.

Claim 1 has been amended to now recite the following:

A method for installing a software component on a recipient computing device on a
network connected to a donor computing device comprising the software component,
the method comprising:

   monitoring resource usage by software applications running on the recipient
computing device, wherein the monitored resource usage comprises usage of the
network by the software applications;

   determining a need of the recipient computing device for a software
component;

   **detecting a switch of the recipient computing device from a low-speed
network connection to a high-speed network connection;**

   **initiating, responsive to detecting the switch, a transfer of the software
component from the donor computing device to the recipient computing device
via the network during a time period when the monitored resource usage
indicates that sufficient network bandwidth is available to not adversely impact
usage of the network by the software applications**; and

   initiating an installation of the software component on the recipient computing
device during a time period selected based on the determined need and the monitored

resource usage that does not adversely impact the software applications.
(emphasis added)

As amended, independent claim 1 beneficially recites a method for installing a software component on a recipient computing device without adversely impacting other software applications on the recipient computing device. The method monitors resource usage by software applications running on the recipient computing device, including their network usage, and determines a need of the recipient computing device for a software component. The method detects a switch of the recipient computing device from a low- to a high-speed network connection, and in response to the detection initiates a transfer of the software component to the recipient computing device during a time period when the monitored resource usage indicates that sufficient network bandwidth is available to not adversely impact network usage by the software applications. Support of the above claim amendments is found in the specification as filed at, for example, paragraph [0038].

The cited references, Peng, Abrams, and Sugiarto, either alone or in combination, fail to disclose the following claim limitations: "detecting a switch of the recipient computing device from a low-speed network connection to a high-speed network connection" and "initiating, responsive to detecting the switch, a transfer of the software component from the donor computing device to the recipient computing device via the network during a time period when the monitored resource usage indicates that sufficient network bandwidth is available to not adversely impact usage of the network by the software applications".

Peng discloses an upgrade system for providing automatic embedded software component upgrades on host devices. See Peng, Abstract. When an upgrade becomes available, the server transfers appropriate upgrade files to the client device. See Peng,

paragraphs [0035-36]. Peng is silent as to detecting a switch from a low-speed network connection to a high-speed connection. The Examiner acknowledged that Peng does not explicitly disclose monitoring network usage. It follows that Peng also does not teach or suggest initiating a transfer in response to the network connection switch detection and when sufficient network bandwidth is available to not impact applications running on the client device.

Abrams also fails to disclose the claimed elements not taught by Peng. Abrams discloses a system that provides on-demand, scalable computational resources over a distributed network. See Abrams, Abstract. The Abrams system monitors the resource consumptions of client applications such as network bandwidth usage, and charges the client accordingly. See Abrams, paragraphs [0098] and [0114]. Even though Abrams disclose that a computer may be connected to a network through different network connections (paragraph [0062]), the reference does not teach or suggest detecting a switch of the computer from a low-speed network connection to a high-speed connection. It follows that Abrams also does not teach or suggest initiating a transfer in response to such detection.

Sugiarto also fails to disclose the claimed elements not taught by Peng and Abrams. Sugiarto discloses a multimedia download timer system that allows users to purchase large content files and download the files at various times. See Sugiarto, Abstract. The Sugiarto system monitors the level of network bandwidth usage and adjusts scheduled download times to efficiently allocate bandwidth to a time of low network bandwidth usage. See Sugiarto, paragraph [0023]. Thus, unlike the claimed invention, which is directed to download a software component on a device without adversely impacting network usage by other applications on the device, Sugiarto is directed to schedule network downloads based on the

overall bandwidth usage of the network, disregarding whether applications running on those downloading computers will be affected by such downloads. In addition, similar to Peng and Abrams, Sugiarto does not teach or suggest detecting a switch of the computer from a low-speed network connection to a high-speed connection. It follows that Sugiarto also does not teach or suggest initiating a network transfer in response to such detection and when sufficient network bandwidth is available to not impact applications running on the recipient computing device.

In view of the above, Peng, Abrams, and Sugiarto, whether considered individually or in combination, fail to disclose each and every limitation recited in independent claim 1 as amended. Thus, independent claim 1 is patentable over the cited references. Independent claims 11 and 20 are allowable for at least the same reasons.

In addition, dependent claim 10 recites the following additional claim limitations that are not taught or suggested by any of the cited references: "adjusting the transfer rate for the transfer of the software component based on a change to a network connection of the recipient computing device". The Examiner cited paragraphs [0034-35] of Peng for disclosing the above cited claim limitations. Paragraph [0034] discloses that the communications between the upgrade server and the mobile client device can occur via various types of couplings such as wired couplings and wireless couplings. Paragraph [0035] discloses the communications between the server and the client can be made through various communication protocols such as SMS, HTTP, and WAP. These sections do not teach or suggest detecting a network connection change or adjusting a transfer rate based on such a change. Accordingly, claim 10 is patentable for at least this additional reason.

Accordingly, withdrawal of the § 103 rejections is respectfully requested.

In conclusion, Applicants submit that the claims as amended are patentable over the cited reference and request that the application be allowed. The Examiner is invited to contact the undersigned by telephone in order to advance the prosecution of this case.

Respectfully Submitted,
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